UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,166	07/28/2003	Terry M. Martin	200208612-1	5598

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EXAMINER
DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/628,166	MARTIN ET AL.
	Examiner	**Art Unit**	
	Thomas J. Dailey	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 25-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 25-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. Claims 16-24 were canceled by the amendment filed on July 9, 2007.

2. Claims 1-15 and 25-34 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 3 recites, "wherein intercepting a request comprises." It should recite "the request." Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

    The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 14 and 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 14 recites, "wherein intercepting a message comprises..." This limitation lacks antecedent basis in this or its parent claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-15 and 25-34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kaler et al (US Pub No. 2004/099586), hereafter "Kaler,"

further in view of what was well known and expected in the art at the time of the

invention.

10. As to claim 1, Kaler discloses a method for collecting data regarding network

service operation (Abstract), the method comprising:

a client sending a request to a network service ([0016], lines 1-7, separate

message processors are interpreted as both the client and the network service

as they are disclosed in [0035], i.e. the one sending the query (request) is the

client and the message processor receiving is the network service);

intercepting the request sent by the client and directed to the network service

([0014], lines 7-14, separate message processors are interpreted as both the

client and the network service as they are disclosed in [0035], i.e., the one

sending query is the client and the one receiving is the network service with the

intercepting occurring when intermediary message processors access electronic

messages);

storing in a session timing profile information about the request including a

name of the client and a name of the network service ([0016], lines 7-11

discloses storing of session information (session timing profile) with regards to a

query (request) and [0041] further elaborates on what session information is);

and

transmitting the request to the network service ([0017]).

But, Kaler does not explicitly disclose session information including a request

sent time identifying when the client sent the request.

However, given Kaler's explicit teachings with regards to session information

including time values and sequencing information ([0041]), it would have been

obvious and expected to one of ordinary skill in the art at the time of the invention

that such information would include the sent time identifying when the client sent

the request. Therefore, using a known technique of storing message sequence

information (i.e. storing the times at which the messages were sent) in Kaler's

invention would have been obvious to one of ordinary skill in the art.

11.As to claim 13, Kaler discloses a method, system for carrying out the method,

and a message handler stored on a computer readable medium for collecting

data regarding network service operation (Abstract), the method comprising:

   intercepting a request sent by a client to a network service ([0014], lines 7-14,

separate message processors are interpreted as both the client and the network

service as they are disclosed in [0035], i.e., the one sending query (request) is

the client and the one receiving is the network service with the intercepting

occurring when intermediary message processors access electronic messages);

   storing in a session timing profile information about the request including a

name of the client and a name of the network service ([0016], lines 7-11 and

[0041]); and

   transmitting the request to the network ([0017]).

   But, Kaler does not explicitly disclose session information including a request

sent time identifying when the client sent the request.

   However, given Kaler's explicit teachings with regards to session information

including time values and sequencing information ([0041]), it would have been

obvious and expected to one of ordinary skill in the art at the time of the invention

that such information would include the sent time identifying when the client sent

the request. Therefore, using a known technique of storing message sequence

information (i.e. storing the times at which the messages were sent) in Kaler's

invention would have been obvious to one of ordinary skill in the art.

12. As to claim 25, it is rejected by the same rationale set forth in claim 1's rejection.

13. As to claim 31, Kaler discloses discloses a system, comprising:

a first network service comprising an application program interface (API) that

is configured to call a message handler ([0014]);

and a message handler that is called by the API, the message handler being

configured to intercept requests sent by the first network service and directed to

second network service ([0014], lines 7-14, separate message processors are

interpreted as both the first network service and the second network service as

they are disclosed in [0035], i.e., the one sending is the first network service and

the one receiving is the second network service), to store in a session timing

profile information about the request including a name of the first network service

and a name of the second network service ([0016], lines 7-11 and [0041]), to

interject information into the request including a session identification ([0016],

lines 1-7), to transmit the message to the second network service ([0017]), to

receive a response from the second network service ([0016], lines 1-7), and to

store in the session timing profile information about the response including a

name of the second network service and a name of the first network service

([0016], lines 1-7).

But, Kaler does not explicitly disclose session information including a request or response sent times identifying when the network services sent the request or response.

However, given Kaler's explicit teachings with regards to session information including time values and sequencing information ([0041]), it would have been obvious and expected to one of ordinary skill in the art at the time of the invention that such information would include the sent time identifying when a network service sent any message. Therefore, using a known technique of storing message sequence information (i.e. storing the times at which the messages were sent) in Kaler's invention would have been obvious to one of ordinary skill in the art.

14. As to claim 2, Kaler discloses intercepting the request comprises intercepting a request sent by a network service acting in the capacity of a client ([0016]).

15. As to claims 3 and 14, Kaler discloses intercepting a request using a message handler that is separate from and called by the client or network service ([0016], lines 1-7 and [0017], an intermediary message processor receives a message from the client or network service (by sending the message, client or network

service effectively calls for the interception) and forwards the message to a destination).

16. As to claim 4, Kaler discloses storing information about the request using the message handler that is called by the client ([0016], lines 1-7).

17. As to claims 5, 15, 26, and 32, Kaler discloses storing information about at least one of a message type ([0041]).

18. As to claims 6 and 27, Kaler discloses interjecting instrumentation information into the request prior to transmitting the request to the network service, the instrumentation information including a session identification ([0016] lines 1-7 and [0041]).

19. As to claim 7, Kaler discloses interjecting instrumentation information using a message handler that is separate from and called by the client ([0016], lines 1-7 and [0017], an intermediary message processor receives a message from the client or network service (by sending the message, the client effectively calls for the interception) and forwards the message to a destination).

20. As to claim 8, Kaler discloses interjecting instrumentation information comprises adding instrumentation information to a header of the request ([0014], lines 7-14 and [0016], lines 1-7).

21. As to claims 9 and 28, Kaler discloses interjecting at least one of a message type ([0016], lines 1-7 and [0041]).

22. As to claim 10, Kaler discloses receiving a response from the network service and storing data regarding the response in the session timing profile ([0016], lines 1-7 and [0041]).

23. As to claim 11, Kaler discloses storing data regarding the response comprises storing data using a message handler that is separate from called by the client ([0016], lines 7-11).

24. As to claims 12, 29, and 33, Kaler discloses storing in the session timing profile a source name of the network service and a destination name of the client ([0016], lines 1-7 and [0041]).

But, Kaler does not explicitly disclose session information including a response sent time identifying when the network service sent the response.

However, given Kaler's explicit teachings with regards to session information

including time values and sequencing information ([0041]), it would have been

obvious and expected to one of ordinary skill in the art at the time of the invention

that such information would include the sent time identifying when the client sent

the request. Therefore, using a known technique of storing message sequence

information (i.e. storing the times at which the messages were sent) in Kaler's

invention would have been obvious to one of ordinary skill in the art.

25. As to claims 30 and 34, Kaler discloses the message handler is a simple object

access protocol (SOAP) message handler ([0014]).

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

27. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

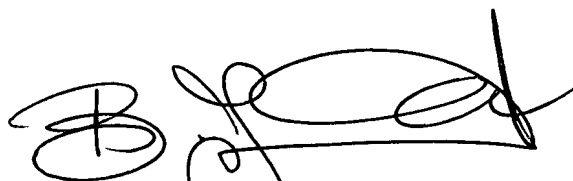action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2152

TJD

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

9/26/7